## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NORTH CAROLINA WESTERN DIVISION

No. 5:25-CV-248-FL

STATE OF NORTH CAROLINA,	)	
Plaintiff,	)	
v.	)	ORDER
RONALD A. HENRY,	)	
Defendant.	)	

This matter is before the court on defendant's motions for reconsideration (DE 7), for a writ of habeas corpus (DE 8), and for preliminary injunctive relief (DE 9). For the following reasons, all three motions are denied.

Defendant, proceeding pro se, purported to remove an ongoing criminal prosecution from the Superior Court of Johnston County, North Carolina on May 9, 2025. This court sua sponte ordered summary remand under 28 U.S.C. § 1455(b)(4) on May 16, 2025. Defendant filed the instant motions on May 21, 2025.

Defendant's motion for reconsideration offers no basis in law or fact for the court to reconsider its decision ordering summary remand. Neither defendant's original notice of removal and its attached exhibits, nor his motion for reconsideration and its attached exhibits, demonstrates that any denial of defendant's constitutional rights is "manifest in a formal expression of state law" as required for removal of a criminal prosecution under 28 U.S.C. § 1443. See Johnson v. Mississippi, 421 U.S. 213, 219 (1975); City of Greenwood, Miss. v. Peacock, 384 U.S. 808, 827–28 (1966).

Accordingly, this case remains remanded to the Superior Court of Johnston County, North Carolina. Defendant's other two motions are therefore denied as moot.

## **CONCLUSION**

For the foregoing reasons, defendant's motion for reconsideration (DE 7) is DENIED.

Defendant's motions for a writ of habeas corpus (DE 8) and for preliminary injunctive relief (DE 9) are TERMINATED AS MOOT.

SO ORDERED, this the 22nd day of May, 2025.

LOUISE W. FLANAGAN United States District Judge